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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

VEFXI CORPORATION, an Oregon
corporation,
Plaintiff,

v.

JAVED BARKATULLAH, an individual, and
BARKATECH CONSULTING, LLC, an
Oregon limited liability corporation,
Defendants.

Case No. 3:13-cv-02057-BR

**Specially Appearing Defendant
Javed Barkatullah's
MOTION TO DISMISS
Pursuant to Fed. R. Civ. P. 12(b)(6)
and Fed. R. Civ. P. 21
Request for Oral Argument**

Certification Pursuant to LR 7-1(a)

The parties made a good faith effort through personal or telephone conferences to resolve the dispute and have been unable to do so.

Pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 21, specially appearing Defendant Javed Barkatullah ("Barkatullah") moves the Court for an Order dismissing all claims against Barkatullah with prejudice.

This motion is based on the grounds that:

1. Barkatullah is not a contracting party to either of the contracts that form the basis of Plaintiff's claims, and therefore Plaintiff has not stated and cannot state a claim to relief against Barkatullah that is plausible on its face; and

2. Pursuant to ORS § 63.165, Barkatullah is not personally liable for the claims set forth in Plaintiff's Complaint.

This Motion is supported by the Memorandum in Support submitted herewith and the Exhibits to Plaintiff's Complaint.

Dated this 20th day of November, 2013.

Respectfully submitted,

s/Hillary A. Brooks

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Attorneys for Defendants
JAVED BARKATULLAH
BARKATECH CONSULTING, LLC

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **Specially-Appearing Defendant Javed Barkatullah's MOTION TO DISMISS Pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 21**

on:

**Fred C. Nachtigal
NACHTIGAL, EISENSTEIN & ASSOCIATES
101 SW Washington Street
Hillsboro, OR 97123**

**J. Peter Staples
CHERNOFF VILHAUER LLP
601 SW Second Avenue, Suite 1600
Portland, OR 97204**

by transmitting full, true, and correct copies thereof to the attorneys through the Court's CM/ECF system on the date set forth below.

Dated this 20th day of November, 2013.

By: s/Delfina S. Homen
Delfina S. Homen